

Remarks:

After entry of the amendment, claims 1-10 and 21-22 are pending.

Claims 1, 7 and 8 have been amended to comply with the restriction requirement for nitrosated angiotensin-converting enzyme inhibitors. In view thereof, claims 12-20 and 23-37 have been cancelled. Applicants retain the right to divisional or continuation applications directed to the non-elected subject matter.

Claim 1 has been amended to delete "preventing".

Claim 11 has been rewritten in independent form and is now presented as claim 1. In view thereof, claim 11 has been cancelled.

No issues of new matter should arise and entry of the amendment is respectfully requested.

I. Information Disclosure Statement

Applicants thank the Examiner for considering the IDS filed on October 27, 2003. As requested by the Examiner the IDS is being refiled concurrently.

II. Rejection under 35 U.S.C. §103

Claims 1-10 and 21-22 are rejected under 35 U.S.C. §103 as being unpatentable over Birch et al. (U. S. Patent No. 5,627,191) in view of Cohn (U. S. Patent No. 4,868,179).

Applicants respectfully traverse the rejection and respectfully submit that the claimed invention is unobvious over the cited references and there is no motivation to combine the cited references to arrive at the presently claimed invention. Applicants respectfully submit that the cited references, individually or in combination, do not disclose or suggest, or provide motivation to arrive at the presently claimed invention.

Applicants thank the Examiner for indicating that claim 11 would be allowable if rewritten to overcome the 35 U.S.C. § 112, first paragraph. Claim 11 has been rewritten to incorporate all the limitations of the base claim and is presented as claim 1. In view thereof the 35 U.S.C. §103 rejection is moot. As discussed below, the claims are also amended to overcome the rejection under 35 U.S.C. § 112, first paragraph.

Additionally Applicants would like to bring to the Examiner's attention that the claims recite the administration of a nitrosated angiotensin-converting enzyme inhibitor for the treatment of a vascular disease characterized by nitric oxide insufficiency. The claims **do not**

include the administration of angiotensin II antagonists, hydralazine hydrochloride, digoxin, isosorbide dinitrate and/or thiazide. In view thereof, Birch and Cohn are non-analogous art.

In view of the above, Applicants respectfully submit that the presently claimed invention is unobvious over the cited references alone or in combination, and respectfully request that the rejection under 35 U.S.C. § 103 be withdrawn.

III. Rejection under 35 U.S.C. §112, First Paragraph

Claims 1-11 and 21-22 are rejected under 35 USC § 112, first paragraph, as lacking enablement.

Applicants respectfully traverse the rejection and respectfully submit that the claims satisfy the requirements under 35 U.S.C. § 112, first paragraph.

The Examiner asserts that the claims are enabled for the treating a vascular disease characterized by nitric oxide insufficiency but not for preventing a vascular disease characterized by nitric oxide insufficiency. Applicants respectfully disagree and submit that the claims are fully enabled for both treating and preventing a vascular disease characterized by nitric oxide insufficiency. However in order to further prosecution Applicants have cancelled the word "preventing" from the claims.

In view thereof, Applicants respectfully submit that the claims satisfy the requirement under 35 U.S.C. § 112, first paragraph, and respectfully request that the rejection under this provision be withdrawn.

IV. Conclusion

Applicants respectfully request reconsideration and allowance of claims 1-10 and 21-22.

Examiner Srivastava is encouraged to contact the undersigned concerning any questions about the present application.

Respectfully submitted,



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